

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK J. WHALING,)
Petitioner,)
v.) Civil Action No. 10-83 Erie
ROBERT D. SHANNON, et al.,)
Respondents.)

MEMORANDUM ORDER

This action was received by the Clerk of Court on April 12, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 28], filed on January 27, 2012, recommended that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections. On February 10, 2012, the Magistrate Judge granted the Petitioner an extension of time until March 12, 2012 in which to file objections. See Text Order entered February 10, 2012. No objections have been filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of March, 2012;

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 28] of Magistrate Judge Baxter, filed on January 27, 2012 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge